Failures for Conservatism

- Passing a bill that would negate the *Ledbetter v. Goodyear Tire & Rubber Co.* (*2007*, No. 05-1074) decision and change current law to allow wage-discrimination claims based on sex plus race, color, religion, or national origin. This change would allow for EEOC complaints (and damages) for actions outside the current statutory timeframe of 180 days – allowing for claims to be filed decades after they may have occurred. The bill invites stale claims. (H.R. 11)

- Passing a bill that would create *unlimited* punitive and compensatory damages for violations of the Equal Pay Act without having to show intent to discriminate. The Paycheck Fairness Act makes it difficult for employers to defend legitimate pay differentials between employees by requiring employers to affirmatively demonstrate that the differential is not based on sex, is specific to the position in question, and is consistent with business activity. (H.R. 12)

- Passing a bill that would reauthorize and significantly expand the State Children's Health Insurance Program (SCHIP) over four and a half years, place severe restrictions on the expansion of current physician-owned hospitals, and an outright ban on all new hospitals, while increasing cigarette taxes. The bill provides $39.4 billion over five years and $73.3 billion over ten years in *new* mandatory spending. This spending is on top of the $25 billion over five years that would result from a straight extension of the program. (H.R. 2)

- Passing a bill that sets new requirements on how the final $350 billion of Troubled Asset Relief Program (TARP) money may be used. The bill does <u>NOT</u> disapprove the President's request to tap the final $350 billion, but is instead designed to accommodate it. It allows TARP money to be used for an auto bailout; expands the allowable uses of TARP money to include support of state and local municipal bonds, consumer loans, and commercial real estate loans; and gives the Treasury Secretary very broad authority to decide how to enforce many of the provisions of the bill. (H.R. 384)

- Passing a "stimulus" bill that would spend $818 billion on programs that will do nothing to stimulate the economy. Of the $818 billion increase to the deficit that this legislation would cause, only 26% (or $212 billion) is attributable to revenue reductions—the other 74% is all spending increases. Many economists argue that there is no historical precedent for a stimulus spending-driven economic recovery. Even many liberal economists predict that if this legislation passes, the unemployment rate will remain around 8% over the next couple of years. The bill also prevents school choice in the $79 billion State Stabilization Fund (even in the case of IDEA funding where it is currently allowed) (H.R. 1).

- Passing the "stimulus" conference report that will cost ***$3.271 trillion*** including interest payments, over ten years (the House-passed version, H.R. 1, was $2.527 trillion) and includes much of the egregious spending listed above (H.R. 1).

- Passing an omnibus which increases FY 2009 spending by $32 billion or 8.4% compared to last year. This is on top of the spending for FY 2009 in the "stimulus." Agencies funded by both bills receive a $301 billion or 80% increase. The FY 2009 omnibus ends the FY 2009 regular appropriations process with a total spending level of $1.01 trillion – an increase of $72.4 billion, or 7.7% compared to last year. This is the first time in U.S. history that the $1 trillion threshold has been crossed**.** The bill also contains at a cost to taxpayers of $7.7 billion and provides an increase of between 4% and 13% for each of the 9 bills that make up the omnibus. Even the Legislative Branch bill gets an 11% increase. And compared to the Administration's FY 2009 request (submitted by former President Bush), seven of the nine bills receive increases (H.R. 1105).

- Passing a bill that would allow judges to "cramdown" a loan, or lower the amount a borrower must pay a creditor on a loan. Cramdowns on principal residences are currently not allowed under Chapter 13 bankruptcy. The result of this bill would be a raise in interest rates, tightening of lending requirements, and an increase in down payments. The bill will also encourage bankruptcy filings and give away free money by allowing no-interest loans. The bill will create a significant cost to future borrowers who will have to make up for money lost to lenders due to cramdowns (H.R. 1106).